

REMARKS

Claims 1-30 are present in this application. Claims 1, 6-7, 9-11, 15-16, 22-24, and 30 are independent. No claims have been canceled, no claims have been added, claims 1-22 have been withdrawn, and claims 23-24 and 30 have been amended. Reconsideration of this application, as amended, is respectfully requested.

Restriction/Election Requirement

Applicants have elected Group 5 (claims 23-30), without traverse, based on the Examiner's Restriction/Election Requirement. (See Office Action, page 2-3.) Accordingly, claims 1-22 have been withdrawn.

Request for Accepted Drawings

The Office Action Summary does not indicate that the drawings are accepted. Since no objection has been received, Applicants assume that the drawings are acceptable and that no further action is necessary. However, Applicants respectfully ask the Examiner to indicate the acceptance of the drawings in the next Office Action.

Request for Acknowledgement of Making a Claim for Foreign Priority

The Examiner has failed to fully identify the acknowledgment for foreign priority in the Office Action Summary. (See Office Action Summary, line 12.) The Examiner has indicated that acknowledgment was made for foreign priority by selecting line 12 and line 12a. (See Office Action Summary, line 12.) However, in the acknowledgment, the Examiner failed to

select one of the three available options under line 12a (option 1, 2, or 3). Therefore, the Examiner is respectfully requested to fully identify the acknowledgment for foreign priority by selecting (in addition to the previous selection of lines 12 and 12a) one of the available options under line 12a.

Applicants believe that option 1 should be selected by the Examiner under line 12a because (all) certified copies of the priority document has been received by the United States Patent & Trademark Office (for example, see the May 31, 2006 submission in the IFW).

Further, by no submission of an available option from the Examiner, Applicants note that the Examiner has inherently indicated that certified copies of the priority document has been received, thus an inherent selection of option 1 under line 12a.

Claim Rejection - 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 23-30 under 35 U.S.C. § 112, second paragraph, asserting that claims 23-30 are allegedly “indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” (See Office Action, page 3-4.)

More specifically, the Examiner states that he “is not sure what applicant means by the term ‘remaining number of times available’” as recited in claims 23-24 and 30.

Based on the Examiner’s concerns, Applicants have amended claims 23-24 and 30 in order to better clarify the claimed invention and to move prosecution forward.

More specifically, Applicants have amended claims 23-24 and 30 to recite, *inter alia*, “a remaining number of times available for use of said characters in formation of a party.” This amendments make it clear that the “remaining number of times available” indicates the limitation

of the number of times that the character is used in the formation of a party. On the other hand, it also becomes clear that the physical strength value is a value which is increased or decreased by the competition of the competition game and which is the reference value for victory or defeat. Therefore, the meaning of the “remaining number of times available,” as now amended, differs from that of the “character’s life/health” as originally interpreted by the Examiner. Thus, based on these amendments, it is respectfully requested that the outstanding rejection be withdrawn.

Further, the Examiner states that the expression of “when, as a result of said competition, said another game machine or server device is defeated in the game, the data representing any one of the characters configuring said party of said another game machine or server device which is defeated in said competition is added, together with a predetermined remaining number of times available [as recited in claim 24]...is indefinite [as to] what and where the data is being added.” Lastly, the Examiner states that the expression of “a process for adding, if, as a result of said competition, said another game machine or server device is defeated in the game, the data representing any one of the characters configuring said party of said another game machine or server device which loses the competition, together with a predetermined remaining number of times available [as recited in claim 30]...is indefinite [as to] what and where the data is being added.”

Based on the Examiner’s concerns, Applicants have amended claims 23-24 and 30 in order to better clarify the claimed invention and to move prosecution forward.

Independent claim 23 has been amended to recite, *inter alia*, “said game performing unit transfers the data which is stored in association with said client device of a side defeated in said

competition and which represents any one of the characters configuring said party, together with a predetermined remaining number of times available, and stores said data and said predetermined remaining number of times available in association with said client device of the side which wins said competition.”

Independent claim 24 has been amended to recite, *inter alia*, “said game performing unit transfers the data representing any one of the characters configuring said party stored in said another game machine or server device which is defeated in said competition, together with a predetermined remaining number of times available, and stores said data and said predetermined remaining number of times available in said storage unit.”

Independent claim 30 has been amended to recite, *inter alia*, “a process for transferring, if, as a result of said game being performed, said another game machine or server device is defeated in the game, the data representing any one of the characters configuring said party stored in said another game machine or server device which loses the competition, together with a predetermined remaining number of times available and storing said data and said predetermined remaining number of times available in said game machine.”

The amendment of independent claim 23 makes it clear that the game performing unit transfers the character data stored in association with the defeated side to the winning side, together with a predetermined remaining number of times available and stores them. It becomes clear that, as a result of the game being performed, the data is so transferred as to be stored in the storage unit in association with the winning side instead of being stored in association with the defeated side.

The amendment of claim 24 makes it clear that the game performing unit transfers the data representing the characters stored in another game machine or server device according to whether the game is lost or won, together with a predetermined remaining number of times available, and stores them in the storage unit.

The amendment of claim 30 makes it clear based on similar reasons as set forth above in regards to claims 23 and 24.

Thus, based on these amendments, it is respectfully requested that the outstanding rejection be withdrawn.

Claim Rejection - 35 U.S.C. § 103(a)

Claims 24 and 30 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Tajiri et al. (U.S. Patent No. 6,482,092) in view of Gress et al. (U.S. Patent Publication No. 2005/0151320). Claims 23 and 25-29 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Tajiri and Gress in view of Kawazu (U.S. Patent Publication No. 2002/0137563). Applicants respectfully traverse these rejections.

Arguments: Features of claims 23-24 and 30 not disclosed by cited prior art

Tajiri discloses a multiplayer competition game where a large number of characters compete to catch characters. In the game disclosed, the characters have different lives (col. 13, lines 51-54, Figure 3), data (col. 13, lines 46-54) representing a party is generated (23, Figure 2) by the selection of a player and the use of a party input from another game machine allows the competition of a large number of players (23, Figure 2). The life can be read as a value that is

increased or decreased by the competition. Tajiri also discloses that a Pokemon defeated in a battle is caught and added to a collection (col.10, lines 1-9).

Although Tajiri also discloses a transmission interface (col. 2, lines 24-25, 30 and 31, Figure 2) through which transmission and reception to and from game machines are performed, Tajiri fails to disclose a concept of competition and capture with other game machines.

On the other hand, Grees discloses competition and the like between game machines. Grees also discloses a POP value as a value representing the limit within which a character can withstand damage from a competitor. However, they are designed without consideration of communication using a server device.

In contrast, the claimed game machine (*i.e.*, as recited in claim 23) is a multistation type game machine in which a network is formed with a server device and a client device. On the server machine, data representing characters stored in association with the client device of a side defeated in a competition, together with a predetermined remaining number of times available is transferred and stored in association with the client device of the side which wins the competition. In other words, processing for capture of characters or lives of characters is performed by the transfer of stored data within the server device. In this way, it is possible to play not only a one-to-one competition but also a multiplayer competition through the server device in the claimed invention.

The movement of the belongingness of the character data and the transfer of the stored data on the remaining number of times available of the character within the server device allow the transfer of the remaining use of the character data and the character.

Since, in the claimed invention, as a result of a competition being performed, the character data and the remaining number of times available are exchanged between players within the server device, it is possible to maintain integrity before and after processing even in a competition through a network and easily update the data. In this way, it is possible to provide a strategic game in which a competition game is performed between game machines through a network and the remaining number of times available of the character is exchanged according to whether the game is won or lost.

The claimed game machine (*i.e.*, as recited in claim 23) stores data representing the remaining number of times available for use of the character in the formation of a party in each of the client devices. Since the concept of the remaining number of times available differs from that of the physical strength value of the character and the remaining number of times available means the number of times that the character is used as a member of a party with which to be able to compete, the remaining number of times available differs from a physical strength value, such as the "life" disclosed in Tajiri and the "POP value" disclosed in Gress, that is increased or decreased within a competition game and is a reference for victory or defeat. Thus, it is necessary to form the party with consideration given to the remaining number of times available, and this results in a more strategic game.

As described above, even in combination of Tajiri and Gress, the Examiner has failed to establish a prima facie case of obviousness for a disclosure of forming a game machine in which integrity before and after processing is maintained through a network and in which data representing the character and including the remaining number of times available for formation of a party can be exchanged.

Therefore, independent claim 23 as amended is submitted to be allowable over the cited prior art for at least the above reasons. Further, independent claims 24 and 30 are allowable for similar reasons as set forth above in reference to independent claim 23.

Similarly to the claimed invention of claims 23 and 30, the claimed game machine as recited in independent claim 24 is designed as a competition game in which data representing characters stored, together with a predetermined remaining number of times available is transferred within a server device and a party is formed by the character through a network.

Since as a result of a competition being performed, character data and the remaining number of times available are exchanged between players within the server device, it is possible to maintain integrity before and after processing even in a competition through a network and easily update the data.

Tajiri fails to include, as a constituent element, the “communication interface for transmitting and receiving data to and from another game machine or server device” as recited in the claimed invention of claim 24. In the claimed invention, it is possible to play not only a one-to-one competition but also a multiplayer competition through a communication interface in a competition game.

Kawazu discloses a life point; this corresponds to a “physical strength value,” but is not the remaining number of times available of a character. Therefore, as described above, the Examiner has failed to establish a prima facie case of obviousness for a disclosure of the claimed invention of independent claim 24. Thus, independent claim 24 as amended is submitted to be allowable over the cited prior art for at least the above reasons.

Further, with the claimed invention as described above, it is possible to provide a strategic game in which a competition game is performed between game machines through a network and the remaining number of times available of the character is exchanged according to whether the game is won or lost. Therefore, the claimed inventions of independent claims 23 to 30 are not obvious to those skilled in the art.

Thus, independent claims 23 and 30 as amended are submitted to be allowable over the cited prior art for at least the above reasons. Independent claim 24 is allowable for similar reasons as set forth above in reference to independent claims 23 and 30.

Dependent claims 25-29 are allowable for the reasons set forth above with regards to claim 23 at least based on their dependency on claim 23.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 23-30 under 35 U.S.C. § 103(a).

Reconsideration and allowance of claims 23-30 are respectfully requested for at least the above reasons.

Conclusion

In view of the above remarks and amendments, it is believed that the pending application is in condition for allowance.

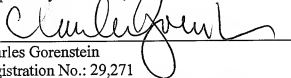
Applicants respectfully request that the pending application be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh (Reg. No. 62,278) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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